

05-5966 CLARK V. ARIZONA

DECISION BELOW: UNPUBLISHED

LOWER COURT CASE NUMBER: 1 CA-CR 03-0851; 1 CA 03-0985

QUESTIONS PRESENTED FOR REVIEW

- (1) Whether Arizona's insanity law, as set forth in A.R.S. § 13-502 (1996) and applied in this case, violated Petitioner's right to due process under the United States Constitution, Fourteenth Amendment?
- (2) Whether Arizona's blanket exclusion of evidence and refusal to consider mental disease or defect to rebut the state's evidence on the element of *mens rea* violated Petitioner's right to due process under the United States Constitution, Fourteenth Amendment?

Cert. Granted 12/5/05